

Robert K. Alber  
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**Appellant: Case no. 05-0830 (KAJ)**  
**Appellee: Case no. 05-0831 (KAJ)**

**Via hand delivery**

The Honorable Kent A. Jordan  
United States District Court  
for the District of Delaware  
844 N. King Street  
Wilmington, DE 19801



Re: Robert K. Alber (ALBER) v. Traub Bonacquist & Fox, LLP (TB&F), Morris, Nichols, Arsht & Tunnell (MNAT) and Barry F. Gold, EBC I, Inc, fka eToys, President/CEO/Plan Administrator (GOLD) (District court Case No. 05-830-KAJ)

and

MNAT v. TB&F, GOLD and ALBER (District Court Case No. 05-0831-KAJ)

Dear Judge Jordan,

One issue that Appellant does want to address, in Appellants own proposed Amended Scheduling Order, is the fact that these Court Proceedings, after being delayed for almost a year, has caught Appellant unawares and in a hotel in Arizona, thereby making it difficult for Appellant to respond to and react to the opposing parties requests, and the time limitations as outlined in the original Scheduling Order as signed by this Court. Fax facilities here are limited, and at times internet connectivity is spotty. Another consideration concerning time is that Appellant has been delayed by having to review, consider and then answer MNAT's proposed Amended Scheduling Order.

Therefore, Appellant does suggest that the original Scheduling Order be amended with an enlargement of time as the only change.

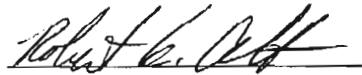
Appellant does anticipate that moving all dates as listed in the original Scheduling Order forward by seven (7) days will be sufficient for this purpose, but Appellant does accede to the wisdom of the Court in such matters if an enlargement of greater than seven (7) days is seen as appropriate.

Appellant ALBER has contacted, via phone and email, Gregory Werkheiser, ESQ., MNAT, to suggest this change, but, most likely due to no fault of Mr. Werkheiser, Appellant ALBER does not necessarily expect a response in time so submits this letter for the purview and consideration of the Court.

If, as MNAT suggests, a teleconference is seen as appropriate by the Court, Appellant will be available via cell phone at (928) 279-6244 for the Court's convenience.

**Dated:** Friday, September 22<sup>nd</sup>, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert K. Alber", written over a horizontal line.

Robert K. Alber  
*Pro Se*  
eToys Shareholder

***(Served via email)***

Frederick B. Rosner, ESQ.  
James L. Garrity, ESQ.  
Ronald R. Sussman, ESQ.  
Mark Minuti, ESQ.  
G. David Dean, ESQ.  
Paul Traub, ESQ.  
Michael S. Fox, ESQ.  
Susan F. Balaschak, ESQ.  
Steven E. Fox, ESQ.  
Derek Abbott, ESQ.  
Gregory W. Werkheiser, ESQ.  
Kelly B. Stapleton, ESQ., U.S. Trustee  
Mark Kenney, ESQ., counsel, U.S. Trustee's Office